

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

City Manager Joe Kerby requested that Resolution #8, 2010 be removed from the Agenda.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of July 20, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Audit Report**

Finance Director Tod DeZeeuw introduced Timothy Mayberry with Johnson, Holscher & Company, P.C. who appeared by phone.

Mr. Mayberry presented the audit report for 2009. He stated that the City receives a “clean” opinion on the fiscal year 2009 financial statements in the fact that all information is reported according to generally accepted accounting principles and the financial presentation is materially correct. He reported on the following three items:

- One violation in the unemployment tax fund. The City may receive a notification from the State Auditor’s Office.
- Golf Course operation.
- General fund did have a break-even year with a transfer of funds.

Mayor Cooper stated that at this time there are no questions.

Mr. Mayberry offered Council to call his office if there were any questions that come up.

**Council Bill #3, 2010; First Reading; Bond for Confluence Drive**

Council Bill #3, 2010

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AUTHORIZING THE ISSUANCE OF THE SALES AND USE TAX REVENUE BONDS FOR THE PURPOSES SET FORTH IN THE BALLOT ISSUE APPROVED BY THE CITY’S ELECTORS AT THE ELECTION HELD ON NOVEMBER 3, 2009; PROVIDING FOR THE PAYMENT OF THE BONDS FROM A PLEDGE OF CERTAIN SALES AND USE TAX REVENUES AND THE MONEYS ON DEPOSIT IN THE CITY-WIDE CAPITAL IMPROVEMENT FUND; AND PRESCRIBING THE FORM OF, AND APPROVING DETAILS AND DOCUMENTS IN CONNECTION WITH, THE BONDS.

was read by the Clerk.

Mayor Cooper presented a statement in reference to a question of conflict of interest.

City Manager Joe Kerby stated this Council Bill is before Council for their consideration to give a formal decision on proceeding with the bonds for the truck route.

Millard Fairlamb, 856 Leon Street, commented on the statement Mayor Cooper presented. He stated that he feels she should abstain from voting on this project. He reported that he is

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**Council Bill #3, 2010 (cont.)**

against this truck route and as a citizen he felt he had a duty to come tonight and voice his concerns.

Mr. Fairlamb also commented on the present state of the economy in Delta County. He stated that taking traffic off of Main Street is not going to help any. He also talked about the natural resources in the Delta area. He stated that the City can't afford this project and Council should not proceed forward with it.

Brenda Toole, PO Box 528, 13859 25 Mesa Road, stated that she is in favor of the truck route. This route will help protect the health, safety and welfare of the Delta citizens. She reported on the City of Alamosa delaying their project for a truck route and the outcomes of that delay. She also reported on the businesses in Montrose stating that the truck route helped their businesses. She stated that the citizens voted for this project and Council needs to proceed with the bonds to get this project underway.

Tom Harding, 1398 Frontier Road, commented what the citizens voted for. He stated that the citizens voted for a four lane truck route. The current project is for a two-lane route.

Mr. Fairlamb also commented on the four lanes to two lanes. He stated that the big trucks are not the problem on Main Street it's the citizens and their driving. He questioned if the State would make the two lane route a hazmat route. He then commented on the railroad crossing stating that it takes no more than 3 ½ minutes for a train to pass by. He again stated that Council should not proceed with approving this and that Mayor Cooper should abstain from voting.

John Vanderpool, 1348 Grand Ave, questioned how much the citizens pay City Council and the City Manager.

Mayor Cooper stated that is not what is in discussion tonight.

Mr. Vanderpool stated that this project is going to put a big dept on the people of the City of Delta and it should not be done.

Linda Sanchez, 670 West Apple Drive, Executive Director for the Delta Area Chamber of Commerce, presented Council with the feedback she had received back in September of 2009. She stated that she polled the businesses regarding the truck route and that 84% wanted the route.

Kay Carlquist, 911 A Street, stated that she was on Council previously and that most of the Councilmembers know where she stands on the project. She reminded Council on the vote of the people on the truck route. She stated that if Council doesn't move forward; what are you telling the citizens in North Delta and the citizens that voted for the project. She also commented on turning down the grant that was awarded from DOLA.

Chuck Tibbits, 21334 H75 Road, reported that he is a truck driver that drives through town. He stated that it is scary with people walking, opening doors without looking, etc. He also stated that there are terrible drivers out there that make even more difficult driving through town. Mr. Tibbits stated that 3 ½ minutes to wait for a train isn't long if you're not on the other side with a medical emergency. He also commented on the two lane route is wiser choice. He stated that you're still going to keep regular traffic coming into town and the trucks will take the route to avoid going through town.

Mayor Cooper explained that they are receiving bids for both the two lane and four lane projects. There is a possibility that the City may be able to proceed with the four lane route.

Gerald Roberts, 1962 Columbine Court, reported that he conducted a survey of past Councilmembers back to 1974. He interviewed all except four and received a yes answer from every one of them in favor of the truck route. He stated that two of them had reservations because of the finances. He also contacted three past City Managers and only one was opposed to the project. Mr. Roberts also commented on the vote regarding the project.

Ms. Toole stated that the business in Montrose did state that signage was important. Jobs are needed now and this project would help some people to gain employment.

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### **Council Bill #3, 2010 (cont.)**

Mr. Fairlamb again stated that the voters voted for a four lane route and the State of Colorado will not relinquish the hazmat route for a two lane road.

Mayor Cooper presented the ballot language that was presented to the voters for the truck route.

Ms. Carlquist stated that this project has been talked about for over 60 years; it's time to get it done. She also stated that it is her understanding that there are possibilities for more grant money to help with the project.

Mr. Kerby reported that the City is applying for a second grant request with DOLA for an additional \$2 million later this fall.

City Attorney Michael Schottelkotte commented on the conflict of interest. He stated that there would have to be direct personal pecuniary gain to be a conflict of interest and that does not exist in this project.

Mr. Kerby stated that staff is available for questions if needed.

Councilmember Seuell stated that he could not live with the fact that if for some reason his vote resulted in a person losing their life in a traffic accident or death; and for that reason he supports this project.

Councilmember Sisson thanked everyone who has put in time and effort to get him information on this project to help him make the right decision. He reported that there are still a lot of questions out there. He explained that he is not discounting what the voters voted for. He also stated that he resides in North Delta and the bridge is long overdue, however, the City does not need to spend this much money to get it.

Councilmember Pfalzgraff reported that he has thought a lot about this project and the concerns about it. The biggest concern is the safety factor for not only the citizens of Delta but for those who come to visit and shop in Delta.

Councilmember Jurca questioned staff how long before there will be a design to go to bid with.

Public Works Director Him Hatheway reported that the bridges are designed and pending PUC approval construction could begin this fall. For the rest of the design it is 85% -90% completed. They are looking having it done by sometime in October.

Councilmember Jurca stated that this ordinance is putting the cart before the horse. There is a number in the ordinance of \$25 million and there is no idea what the project is going to cost. He commented on mock bids stating that he has a hard time making a decision on those bids. He feels that there is a push from City staff because of the fear of the November election.

Mayor Cooper stated that this is the life or death of Confluence Drive. She also stated that one of the most important aspects of this project is to give the citizens in North Delta a safe, nonstop route to get emergency vehicles to them in a timely fashion. She reported that they are trying to build this route without trapping the City where they can't do anything but pay debt even if this means proceeding with a two lane route rather than a four lane.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to adopt Council Bill #3, 2010 on first reading. Roll call vote: Councilmember Pfalzgraff aye, Seuell aye, Sisson nay, Jurca nay and Cooper aye. Motion carried.

### **2010 Concrete Bids**

Public Works Director Jim Hatheway recommended to Council to award the 2010 Concrete Replacement Project to Willow Creek Construction. He stated that staff bid this project out and received three bids with Willow Creek Construction submitting the low bid.

Councilmember Jurca questioned the budgeted amount for this project.

Mr. Hatheway presented the amount that is budgeted stated there it is within budget.

## **Regular Meeting, Delta City Council, August 3, 2010 (Cont.)**

### **2010 Concrete Bids (cont.)**

There was discussion regarding the bids.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to award the Contract for the 2010 Concrete Replacement Project to Willow Creek Construction. All in favor, motion carried.

### **Ordinance #1, 2010; Second and Final Reading; Update to the Flood Damage Prevention Code**

Ordinance #1, 2010

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
MODIFYING VARIOUS PROVISIONS OF CHAPTER 15.56 OF  
THE DELTA MUNICIPAL CODE CONCERNING FLOOD  
DAMAGE PREVENTION.

was introduced as Council Bill #2, 2010 and read by the Clerk.

Community Development Director Glen Black reported that there have been no changes since the first reading.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #2, 2010 on second and final reading. Roll call vote: Councilmember Pfalzgraff aye, Seuell aye, Sisson aye, Jurca aye and Cooper aye. Council Bill #2, 2010 was adopted on second and final reading as Ordinance #1, 2010.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

City Manager Joe Kerby requested Utilities Director Fay Mathews to give an update on the power outage.

Mr. Mathews presented the update on the power outage as well as the transmission line. He also thanked the public for their help in conserving power during the outage.

Councilmember Pfalzgraff thanked staff for the work on the power outage.

Mr. Kerby stated that all department heads pulled together to help and also thanked them for their team work.

Mr. Kerby presented the following updates:

- Wingz and Things' sales tax license.
- Various Grant applications.
- The 1600 Road signal project.
- IT is updating the server.
- Roof replacements bids.
- Roller rink at Confluence Park.
- Medical Marijuana information that was prepared by the District Attorney's office.

### **Councilmember Comments**

Councilmember Pfalzgraff commented on the upcoming election in November. He stated that he would like to have a Resolution at the next City Council meeting in opposition of Proposition 101 and Amendments 60 and 61.

Mayor Cooper congratulated staff on all their hard work during the power outage. She also presented Utilities Director Fay Mathews with the Shepherd's Award from CAMU and an award from the City of Delta for his service to the CAMU Board.

Mr. Mathews stated that it is a privilege to receive both of these awards.

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The meeting was adjourned at 8:18p.m.

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Jolene E. Nelson, City Clerk